

SAMPLE POLICY:

**REASONABLE
ACCOMMODATIONS &
MODIFICATIONS
FOR PEOPLE WITH
DISABILITIES**



Sample Policy: **Reasonable Accommodations & Modifications**

The Fair Housing Partners developed this sample policy to help housing providers respond to reasonable accommodation and modification requests. This policy includes legal background as well as guidelines for use with applicants and residents. We hope you find this information helpful in your efforts to provide fair housing for all.

The Fair Housing Partners have also developed other resources, available in print and CD format:

Fair Housing in Washington State – Top 100 Most Frequently Asked Questions for Housing Providers and Managers

Sample Policies:

- *Resident on Resident Harassment*
- *Service Animals*

Disability Access Resources

Reasonable Accommodations & Modifications – Guidance for Residents with Disabilities

“Fair Housing Update” – free online quarterly newsletter

Fair housing posters (specific to each fair housing agency)

Please contact your local fair housing agency for technical assistance and to review your policy. We invite you to share your comments about this sample policy by contacting the King County Office of Civil Rights, 206-296-7592, TTY 296-7596, or e-mail to Civil-Rights.OCR@KingCounty.gov.

FAIR HOUSING PARTNERS OF WASHINGTON STATE

Washington State Human Rights Commission
King County Office of Civil Rights
Seattle Office for Civil Rights
Tacoma Human Rights and Human Services Department
Fair Housing Center of Washington
Northwest Fair Housing Alliance

This information does not constitute legal advice. The fair housing laws regarding service animals vary depending upon jurisdiction. Please consult with one of the fair housing agencies if you have questions about this topic.

AVAILABLE IN ALTERNATE FORMATS UPON REQUEST
Contact King County OCR, 206-296-7592, 296-7596 TTY

REASONABLE ACCOMMODATION AND MODIFICATION POLICY

It is the policy of **[insert name of company here]** to provide reasonable accommodations to applicants and residents who have disabilities, and to permit residents with disabilities to make reasonable modifications.

We will advise all applicants and residents of our willingness to provide accommodations by noting on application forms, rental agreements, and rules or regulations that “reasonable accommodations for people with disabilities will be provided upon request.”

DEFINITION OF DISABILITY

The preferred term is “disability”; however, a few fair housing laws use the terms “handicap” and “disability” interchangeably.

The Washington State Law Against Discrimination (WLAD) defines disability to mean the presence of a sensory, mental, or physical impairment that:

- Is medically cognizable or diagnosable, or
- Exists as a record or history, or
- Is perceived to exist, whether or not it exists in fact.

Under the WLAD, a disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated. Local fair housing ordinances contain similar definitions.

Under fair housing laws, the definition of disability does not include:

- sex offenders
- current illegal drug users (however, fair housing laws do protect people who are recovering from substance abuse)

REASONABLE ACCOMMODATIONS AND REASONABLE MODIFICATIONS

An applicant or resident with a disability may need either a reasonable accommodation or a reasonable modification, or both, in order to have an equal opportunity to use and enjoy a dwelling (including public and common use spaces) or housing services. See Appendix B for a list of common accommodations and modifications.

A **reasonable accommodation** is a change, exception, or adjustment to a rule, policy, practice, or service that allows a person with a disability to use and enjoy a dwelling, including public and common use areas. Examples of reasonable accommodations include:

- providing rental forms in large print
- providing a reserved accessible parking space near a resident's rental
- allowing a resident to have a service animal in a "no pets" building
- permitting a resident who has developed mobility limitations to move to the ground floor.

A **reasonable modification** is a structural change made to a resident's living space or to the common areas of a community, which is necessary to enable a resident with a disability to have full use of and enjoyment of the housing. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. Examples of reasonable modifications include:

- widening a doorway for a wheelchair user
- installing grab bars in a bathroom
- lowering kitchen cabinets to a height suitable for a wheelchair user
- adding a ramp and handrails to make a primary entrance accessible
- altering a walkway to provide access to a public or common use area.

Who Pays?

Accommodations – Fair housing laws require that we bear accommodation costs that do not amount to an undue financial and administrative burden. Most accommodations are no or low cost. We may not require people with disabilities to pay extra fees or deposits as a condition of receiving a reasonable accommodation.

Modifications – Generally, the resident will bear the expense of making reasonable structural modifications to a property. However, if the property receives federal funds, the housing provider usually pays, unless there is financial and administrative hardship.

Buildings subject to Fair Housing Act design and construction requirements – the housing provider may be responsible for making modifications that correct accessibility-related deficiencies. (applies only to housing with four or more units, constructed for first occupancy on or after March 13, 1991 – see Resources and Guidance)

Federally Funded Housing – If housing is federally funded, the housing provider is likely responsible for the costs of reasonable modifications. We will make appropriate changes to these staff guidelines to reflect that responsibility.

Restoration

We may choose to keep modifications in place at the end of the tenancy, and in many cases, these changes enhance the general accessibility of the unit or common area.

At the end of tenancy, the resident is obligated, at the resident's expense, to restore interior dwelling areas to their previous condition only where it is reasonable to do so and where we request the restoration. In general, if the modifications would not affect a subsequent resident's use or enjoyment of the premises, we will not require the outgoing resident to restore the premises to its prior state. We will not require that the resident restore modifications made to the exterior of a dwelling, such as ramps to the front door of the dwelling, or modifications made to laundry rooms or building entrances.

In certain limited and narrow circumstances, we may require that the resident deposit money into an interest bearing account to ensure that funds are available to restore the interior of a dwelling to its previous state. The resident is not responsible for expenses associated with reasonable wear and tear.

DENYING A REQUEST

If unsure about the reasonableness of the request, we will consult upper management before denying the request or conditioning approval on an alternative. If honoring the request appears very difficult, time-consuming or expensive, we will inform the requester of the concern and discuss how to identify easier, quicker or less expensive alternate accommodations that may work. In such situations, we will offer the requester the opportunity to amend the initial request. We may consult a local fair housing agency or other expert for technical assistance, accommodation ideas, funding resources, etc.

We will not deny a request for fear that an approval would encourage other people to request similar accommodation. Instead, we will assess each request individually.

The reasonableness of a particular accommodation or modification depends on various factors, including undue financial and administrative burden, fundamental alteration, or direct threat.

Undue Financial and Administrative Burden

A request is generally not reasonable if the accommodation would impose an undue financial and administrative burden on us. We will determine on a case by case basis whether a request would impose an undue burden, considering these relevant factors:

- the administrative cost or burden of the requested accommodation in comparison with the administrative cost of regular operation
- limits or availability of our overall resources
- the benefits that the accommodation would provide to the requester
- the availability of other, less expensive alternative accommodations that would effectively meet the requester's disability-related needs.

Note: If granting the request would interfere with our compliance with historical preservation requirements or other regulatory restrictions, this may be considered in analyzing undue burden.

Fundamental Alteration in the Nature of our Business Operations

A request is generally not reasonable if the accommodation would fundamentally alter the nature of our business operations. If the requested accommodation or modification is not reasonable, we can use the interactive process to explore other alternatives that would address the person's need and that would be reasonable. [Example: A resident with a disability requests housekeeping assistance. Such a request is not reasonable because housekeeping is outside our normal business services.]

Direct Threat

A request is generally not reasonable if the accommodation or modification would constitute a direct threat to the health or safety of others, or would result in substantial physical damage to the property of others, unless the threat can be eliminated or significantly reduced by reasonable accommodation.

To establish direct threat, we need recent, objective evidence of behavior that puts others at risk of harm. However, all requests for accommodation will be evaluated, even from someone who is considered a direct threat or who has caused substantial property damage. In such a situation, the individual would need to present information that steps have been taken to prevent future harm. [Example: A resident with a disability who is considered a direct threat may request a reasonable accommodation during the eviction process by presenting information that s/he has taken steps to prevent future harm. We have a duty to consider the reasonable accommodation request before taking action.]

REASONABLE ACCOMMODATION AND MODIFICATION POLICY

GUIDANCE FOR STAFF

CONSIDERATION OF REQUESTS

We will consider all requests, whenever they are made.

- Management will consider requests for accommodation or modification that are made by a person with a disability or by a representative making the request on behalf of and with the approval of the person with a disability.
- We encourage written requests for an accommodation or modification, but we accept verbal requests. If the person with a disability does not, or cannot use our request form, management staff should document the request on one of the forms, and give a copy to the person making the request. We will make sure that the form accurately reflects the person's intended request.
- We will consider a request even if it was not submitted on our form.

The accommodation or modification must be for a person with a disability.

- If management staff knows that someone who makes a request is disabled or if the disability is readily apparent, we will not request written verification of the disability. (see "Verification and Approval" section below)
- We do not need to know the details of someone's disability. We do not require the authorization for release of confidential medical records in order to verify a disability.

The need for accommodation or modification must be related to the disability.

- The resident's request should describe the accommodation or modification, and explain how it is related to the disability.
- The resident's requested accommodation or modification must be necessary to meet the disability-related needs of the individual.

The requested accommodation or modification must be reasonable (see "Denying a Request").

WHEN TO REQUEST VERIFICATION

The need to obtain verification documentation depends on the obviousness of the person's disability, as well as the connection between the disability and the requested accommodation or modification.

- When the disability is obvious and the requested accommodation is clearly related to the disability, no verification is necessary. Such requests should be promptly documented and approved. [Example: a low vision resident asks for the tenancy rules in large print.]

- If the disability is known, but the requested accommodation does not appear related to the disability, we will request only information necessary to evaluate the disability-related need for the accommodation. [Example: a resident known to have a heart condition requests to live with a service animal.]
- If neither the disability nor the relationship between the disability and accommodation is clear, we will ask for proof of both. [Example: Someone with no obvious disability asks for an accessible parking space – request that he document both that he has a disability and his disability-related need for the parking.]

We will accept verification from a doctor or other medical professional, or other qualified third party who, in their professional capacity, has knowledge about the person's disability.

SUPPLEMENTAL INFORMATION

When additional information is necessary, we will notify the person seeking the accommodation what information is needed and offer a reasonable time to provide the information. If, after a reasonable period of time, the requester fails to provide the necessary information, we will base the decision on whether to grant the request on the available information.

If we have insufficient information, we may deny the request and inform the requester of the opportunity to submit another request later with more information.

ALTERNATIVE ACCOMMODATIONS

If the accommodation initially requested is determined not to be feasible or if more than one reasonable accommodation would fulfill the needs of the person with the disability, we will engage in a dialogue to identify alternatives that may be less costly or administratively burdensome.

- We can offer to move a tenant to a different unit in lieu of allowing the resident to make a modification, but we cannot insist on the move.
- We can require that the modification be done according to our design if it is to a common area or an aspect of the interior of the unit that needs no restoration, if our proposed design imposes no additional costs and still meets the resident's needs.
- If we wish the resident to make a modification with more costly materials, in order to satisfy our aesthetic or unique design standards, the resident must agree only if we pay those additional costs. Consult upper management before offering or agreeing to a more costly alternative.

If the initial accommodation proposed by the tenant is determined to be unreasonable and more than one alternative is available, we will offer the accommodation that is less burdensome or expensive and meets the resident's needs. For more information, see the Disability Access Resources booklet available from the Fair Housing Partners of Washington State.

Notes:

- We cannot require that the resident obtain additional insurance or increase the security deposit as a condition of allowing an accommodation or modification.
- For modifications, we can require that whoever does the work is reasonably able to do so in a professional manner and obtain all necessary building permits, if this is our normal business practice.
- We cannot insist that a particular contractor perform modifications, but we can require that the contractor be licensed, bonded, insured, etc., if this is our normal business practice.

INTERACTIVE PROCESS

When we receive a request, we will initiate an interactive, good faith dialogue with the resident who made the request to assess it and to reach a mutually acceptable solution. If we are uncertain about how to provide a requested accommodation, we will ask the resident to help identify community resources to assist in granting the accommodation. Remember, in most cases, the person with a disability knows best what accommodation or modification will meet his or her needs.

We will give the requester the following:

- A letter confirming that we received the request.
- If needed, a letter asking for additional information (such as verification that the person has a disability, that the accommodation is disability-related, or both), with a suggested timeline for providing the information.
- A letter notifying when a request is approved, under consideration, denied, or granted in a form different from that requested by the person with a disability.

We will document the interactive process, noting those situations in which additional information is necessary.

TIMELINESS

We will evaluate each request on a case by case basis, in a timely and professional manner.

We have an obligation to provide prompt responses to requests. If we delay responding to an accommodation request, after a reasonable amount of time the delay may be construed as a failure to provide a reasonable accommodation. A resident or applicant may then choose to seek legal assistance or to file a complaint with a fair housing agency.

CONFIDENTIALITY

Whether in casual conversation or during the interactive process, sometimes a person will reveal information about a disability, medical treatment, or details about tasks a service animal does. We must keep this information confidential and not share it, except:

- with management employees who need information to make a decision to grant or deny a reasonable accommodation request, or
- when disclosure required by law (for example, a court-issued subpoena).

It is not appropriate to discuss a resident's disability or accommodations with another resident. [Example: A resident in a "no pets" community who wants a dog asks why another resident has one. The manager should not disclose that the resident has a disability or that the dog is a service animal. Instead, the manager can say "Fair housing laws require us to make exceptions to the 'no pets' rule under certain circumstances" and offer to accept other requests for an exception to the rule.]

RESOURCES AND GUIDANCE

HUD/DOJ Joint Statement on Reasonable Accommodations –

www.usdoj.gov/crt/housing/joint_statement_ra.pdf

www.hud.gov/offices/ftheo/library/huddojstatement.pdf

HUD/DOJ Joint Statement on Reasonable Modifications –

www.usdoj.gov/crt/housing/fairhousing/reasonable_modifications_mar08.pdf

www.hud.gov/offices/ftheo/disabilities/reasonable_modifications_mar08.pdf

Fair Housing Accessibility First – www.fairhousingfirst.org

toll-free Design and Construction Resource Center: 888- 341-7781

Sample Policy: Service Animals – www.kingcounty.gov/civilrights/SA.pdf

HUD Disability Rights and Resources – www.hud.gov/offices/ftheo/disabilities

HUD, "Disability Rights in Housing" –

www.hud.gov/offices/ftheo/disabilities/inhousing.cfm

HUD, "Insurance Policy Restrictions as a Defense for Refusals to Make a Reasonable Accommodation" –

www.fairhousing.com/include/media/pdf/insuranceguidance.pdf

FAIR HOUSING AGENCIES IN WASHINGTON STATE

The Federal Fair Housing Act, state and local fair housing laws exempt certain types of housing from coverage. For questions, contact each agency concerning the law that agency enforces.

U.S. Dept. of Housing & Urban Development Fair Housing 909 First Avenue Suite 205 Seattle, WA 98104-1000	Washington State Human Rights Commission 711 S. Capitol Way Suite 402 Olympia, WA 98504-2490	King County Office of Civil Rights Yesler Building 400 Yesler Way Room 260 Seattle, WA 98104-2683	Seattle Office for Civil Rights 810 Third Avenue Suite 750 Seattle, WA 98104-1627	Tacoma Human Rights & Human Services Dept. 747 Market Street Room 836 Tacoma, WA 98402-3779
206-220-5170 800-877-0246 TTY 206-220-5185 Fax 206-220-5447	360-753-6770 800-233-3247 (in WA) TTY 800-300-7525 Fax 360-586-2282	206-296-7592 TTY 206-296-7596 Fax 206-296-4329	206-684-4500 TTY 206-684-4503 Fax 206-684-0332	253-591-5151 TTY 253-591-5153 Fax 253-591-5050
www.hud.gov/local/sea/seafhome.html	www.hum.wa.gov	www.kingcounty.gov/civilrights	www.seattle.gov/civilrights	www.cityoftacoma.org/humanrights
<u>Protected Bases</u> Race Color National Origin Religion Sex Disability Familial Status	<u>Protected Bases</u> Race Color National Origin Creed Sex Disability Familial Status Marital Status Sexual Orientation (incl. gender identity) Veteran/Military Status	<u>Protected Bases</u> Race Color National Origin Religion Gender Disability Familial Status Marital Status Sexual Orientation (incl. gender identity) Age Section 8 Ancestry Use of a Service or Assistive Animal	<u>Protected Bases</u> Race Color National Origin Religion/Creed Sex Disability Parental Status Marital Status Sexual Orientation Gender Identity Age Section 8 Political Ideology	<u>Protected Bases</u> Race Color National Origin Religion Sex Disability Familial Status Marital Status Sexual Orientation Gender Identity Age Ancestry
File within 1 year <u>Jurisdiction:</u> United States	File within 1 year <u>Jurisdiction:</u> Washington	File within 365 days <u>Jurisdiction:</u> Unincorporated King County	File within 180 days <u>Jurisdiction:</u> City of Seattle	File within 1 year <u>Jurisdiction:</u> City of Tacoma

Fair housing laws prohibit retaliation – an act of harm by anyone against a person who has asserted fair housing rights (makes an informal discrimination complaint, files a civil rights complaint, or is otherwise involved in an investigation).

NOTE: City of Bellevue investigates fair housing violations based on participation in the Section 8 Program. To file a complaint, contact Code Compliance, 450 110th Ave. NE, P.O. Box 90012, Bellevue, WA 98009, 425-452-4570. E-mail: Codecompliance@ci.bellevue.wa.us. Web: www.ci.bellevue.wa.us/reportproblem.htm.

These organizations advocate for fair housing, and provide training, education and outreach

Fair Housing Center of Washington
 1517 S. Fawcett Avenue, Suite 250
 Tacoma, WA 98402

253-274-9523, 888-766-8800 (toll free), Fax 253-274-8220
www.fhcwashington.org

Northwest Fair Housing Alliance
 35 West Main Avenue, Suite 250
 Spokane, WA 99201

509-325-2665, 800-200-FAIR (in 509 area code),
 Fax 509-325-2716 www.nwfairhouse.org

APPENDIX B - COMMON DISABILITY ACCOMMODATIONS & MODIFICATIONS

Under fair housing laws, housing providers must accommodate the disability-related needs of applicants and residents who have disabilities. A reasonable accommodation is an adjustment in rules, procedures or services that gives a person an equal opportunity to use and enjoy their dwelling and common areas. A reasonable modification is a change in a dwelling or common areas (usually at the resident's expense) that is needed to live comfortably and safely. Do not ask applicants or residents if they have a disability, for details about the condition, or to see medical records. If unaware of the person's disability status or need for the accommodation/modification, it is okay to ask for third-party verification that the person has a disability and that the request will address the person's disability needs. *

Vision Disabilities	Hearing Disabilities	Cognitive Disabilities	Physical Disabilities	Psychiatric Disabilities	Environmental Disabilities
<p>Allow a guide dog.</p> <p>Read notices aloud or put them in large print or in Braille.</p> <p>Provide ample interior and exterior lighting.</p> <p>Provide large print or Braille numbers on doors.</p> <p>Provide documents in electronic format.</p> <p>Remove objects that protrude into hallways and pathways.</p> <p>Put non-slip, color-contrast strips on stairs.</p>	<p>Provide a doorbell signaler.</p> <p>Provide a visual smoke alarm system.</p> <p>For phones in common areas, add voice amplification.</p> <p>Install a TTY in the rental office.</p> <p>Provide sign language interpreters for important meetings.</p> <p>Allow a service animal.</p>	<p>Explain the rental agreement and tenancy rules.</p> <p>Write application, rental agreement and notices in clear, simple terms.</p> <p>Show how to use appliances.</p> <p>Provide simple door locks or security systems.</p> <p>Provide a monthly reminder that the rent is due.</p> <p>Show location of the water shutoff valve and explain when to use it.</p>	<p>Make sure the on-site rental office is accessible.</p> <p>Allow a live-in personal care attendant.</p> <p>Provide lever door handles and automatic door closers.</p> <p>Clear shrubs from pathways and trim to low height.</p> <p>Insulate exposed kitchen and bathroom pipes.</p> <p>Install anti-skid tape on floors and stairs.</p> <p>Upon request, move resident to a lower floor.</p> <p>Allow modifications:</p> <ul style="list-style-type: none"> ▪ wider doorways ▪ ramps ▪ grab bar installation ▪ lower closet rods ▪ lower thermostat. 	<p>Move a resident to a quieter unit, upon request.</p> <p>If an applicant misses a deadline because of the disability, return the application to the waiting list upon request.</p> <p>Allow a service animal.</p> <p>Allow a third party payee.</p> <p>Upon request, notify an authorized third party of compliance issues.</p>	<p>Use non-toxic fertilizers and cleaning products.</p> <p>Allow removal of carpet from the rental.</p> <p>Remove the ballast on fluorescent lights.</p> <p>Post "no smoking" signs in common areas.</p> <p>Consider a "no smoking" rule for an entire building.</p>

* The documentation that can be requested is a letter of verification from a doctor or other medical professional, or other qualified third party who, in their professional capacity, has knowledge about the person's disability and the need for reasonable accommodation. For more information, see the joint HUD and Dept. of Justice guidance memo on reasonable accommodations online at www.usdoj.gov/crt/housing/joint_statement_ra_5-17-04.pdf.

Appendix C – ACCESSIBLE PARKING

Resident Parking – If parking is provided for residents, it is a reasonable accommodation to provide reserved accessible spaces for residents with disabilities.

- We will use the standard accommodations process for accessible parking requests. If a resident has a state disabled parking permit, this is generally sufficient proof of the need for a reserved accessible parking space.
- Many people who need an accessible parking space don't need an extra-wide space with an access aisle – they often need only a regular-size parking space nearest to their front door or on the most accessible route to the front door. We will discuss specific parking needs with the resident.
- Even if parking spaces are not normally assigned, we will provide a reserved parking space to a resident with a disability.
- We will post a sign at the head of the parking space noting that the spot is reserved, so that others do not park there. We will alert vendors that these spaces are off-limits.
- We will strictly enforce a resident's reserved accessible parking space, and be prompt in responding to complaints when others park there.

Guest Parking – If guest parking is provided near the rental office, some of those spaces must be accessible.

- We will locate at least one accessible guest parking space near an on-site rental office, with an accessible route from the parking to the office.
- Guest parking is subject to ADA Title III rules, which require that at least 2% of all guest spaces in each lot meet access requirements and be designated with appropriate signage. These spaces must be at least 96" wide and must have an adjacent access aisle at least 60" wide. An access aisle can be shared between two accessible parking spaces. At least one of these spaces must be van accessible, with a 96" access aisle. We will alert vendors that these spaces are off-limits.
- We will strictly enforce accessible guest parking spaces, and be prompt in responding to complaints when others park there.

Cooperative housing and condominiums – Sometimes a governing board or owners group has only limited control over parking spaces. Boards should assist within their means to the person seeking a parking accommodation. If another resident owns the desired space, the two owners can negotiate a swap.

Appendix D – SERVICE ANIMALS

When an applicant or resident who has a disability requests to live with a service animal, follow the usual accommodation process. It is a reasonable accommodation to allow residents to live with service animals that meet their disability-related needs.

- Service animals are **not** pets. A person with a disability uses a service animal as an auxiliary aid – similar to the use of a cane or wheelchair.
- Fair housing laws require that service animals be permitted despite "no pet" rules.
- While the most common service animals are dogs, they may include cats, birds, or other common domestic animals. "Companion" animals are considered to be service animals, if they are required to meet a disability-related need.
- Service animals may be any breed, size or weight. We will not apply pet size or weight limitations to service animals.
- Service animals need no special license or visible identification. Some owners of service animals choose to put special collars or harnesses on their animals. If city or county laws require pet licenses for dogs and cats, rental management can require licensing for service dogs or cats. In some cases, such licenses are free or discounted for service animals.
- Service animals need no "certification." A person may train his or her own service animal.
- We will not charge owners of service animals any pet deposits or fees. We can charge general cleaning or damage deposits, if all residents are similarly charged. The service animal's owner is responsible for the animal's care and liable for any damage the animal causes.
- Because service animals provide different types of assistance, in some cases a person with a disability may require more than one service animal.

For more information, see the Sample Policy on Service Animals available from the Fair Housing Partners of Washington State.

Appendix E – What disability laws apply to housing?

Fair Housing Act, state and local fair housing laws

- Prohibit discrimination against people with disabilities and against those who associate with them.
- Require provision of "reasonable accommodations" as necessary to afford such person(s) equal opportunity to use and enjoy a dwelling.
- Require housing providers to allow residents with disabilities to make "reasonable modifications" to rentals and common areas.
- Require accessibility design and construction for covered multifamily housing.

For more information, see these web pages:

www.hud.gov/offices/fheo/FHLaws/index.cfm
www.kingcounty.gov/civilrights/FHlaws.htm

Municipal Research and Services Center (MRSC): www.mrsc.org/legalres.aspx

Washington State Law Against Discrimination - RCW 49.60

King County Open Housing Ordinance – King County Code 12.20

City of Seattle Unfair Housing Practices - Municipal Code Chapter 14.08

City of Tacoma Law Against Discrimination – Official Code Chapter 1.29

Section 504 of the Rehabilitation Act of 1973

Prohibits discrimination based on disability in any housing, program or activity receiving federal financial assistance. For more information, see these web pages:

www.hud.gov/offices/fheo/disabilities/sect504faq.cfm
www.hud.gov/offices/fheo/disabilities/sect504docs.cfm

Americans with Disabilities Act

- **Title II** prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities (state and local public housing, housing authorities, housing assistance and housing referrals).
- **Title III** covers housing community areas that are open to the public (such as a rental office) or available for use by the public (such as a clubhouse rented to non-residents).

For more information, see this web page: www.usdoj.gov/crt/ada/publicat.htm.

APPENDIX F: SAMPLE LETTERS FOR MANAGEMENT

REASONABLE ACCOMMODATION RESPONSE – Request Granted

Dear (resident):

We have received your request for a reasonable accommodation, specifically, _____, together with your healthcare provider's letter documenting your disability and need for the accommodation. We will provide the requested accommodation as follows: _____

Sincerely, Property Manager

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REASONABLE ACCOMMODATION RESPONSE – Request Granted, Let's Talk

Dear (resident):

We have received your request for a reasonable accommodation, specifically, a reserved accessible parking space, together with your healthcare provider's letter. Your request is granted and we will begin the process of designating a parking space for your use immediately. Please contact me as soon as possible so that we may discuss which parking location(s) will best meet your needs.

Sincerely, Property Manager

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REASONABLE ACCOMMODATION RESPONSE – Need Verification

Dear (resident):

We have received your request for a reasonable accommodation. You have requested _____. Before we can make a decision, we need some more information. Please provide us with a letter from a health care provider, social service provider, or other qualified person confirming (that you are person with a disability) (that you need the accommodation because of your disability). Once we receive the above letter, we will give prompt consideration to your request.

Sincerely, Property Manager

REASONABLE ACCOMMODATION RESPONSE – Request Unclear, Let’s Talk

Dear (resident):

We have received your request for a reasonable accommodation. We are unclear about your specific needs and would like to meet with you to discuss the accommodation request. Please contact me as soon as possible so that we may discuss what will best meet your needs.

Sincerely, Property Manager

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REASONABLE MODIFICATION RESPONSE – Request Granted

Dear (resident):

We have received your request for a reasonable modification, specifically, to be allowed to have Joe Johnson of Able Carpenter Company install grab bars in the bathtub and around the toilet in the bathroom of your unit. We have spoken to Mr. Johnson, who has assured us that the project will be done in a professional manner and to building code.

Your request to make this modification is granted. Please let me know when the carpentry work begins and ends.

When you vacate your unit, we request that you remove the grab bars around the toilet, but you may leave the grab bars in the bathtub area.

Sincerely, Property Manager

- - - - -

REASONABLE MODIFICATION RESPONSE – Need Verification

Dear (resident):

We have received your request for a reasonable modification, specifically, to be allowed to _____. Before we can make a decision, we need some more information. Please provide us with a letter from a health care provider, social service provider, or other qualified person confirming (that you are person with a disability) (that you need the modification because of your disability). Once we receive the above letter, we will give prompt consideration to your request.

Sincerely, Property Manager

REASONABLE ACCOMMODATION RESPONSE – Request Denied
(Undue Burden)

Dear (resident):

We received your request for a reasonable accommodation. You requested that we install an elevator in our building so that you can live on the fourth floor. We have given your request careful consideration and have decided to deny this request.

Management believes that the request to provide an elevator would be too costly and would result in an undue financial burden for us as housing providers. Under fair housing laws, we are not required to grant such requests, which are not considered reasonable.

If you would like to explore other alternatives for reasonable accommodations, please contact us any time.

Sincerely, Property Manager

- - - - -

REASONABLE ACCOMMODATION RESPONSE – Request Denied
(Fundamental Alteration)

Dear (resident):

We received your request for a reasonable accommodation. You requested that we provide housekeeping services inside your unit. We have given your request careful consideration and have decided to deny this request.

As you may be aware, the management of the Evergreen Apartments provides general maintenance and cleaning of the common areas of the complex, and appliance repairs for residents upon request. However, we do not provide housekeeping services for individual resident apartments.

Management believes that the request to provide personal housekeeping services for a resident would result in a fundamental alteration of our housing services. Under fair housing laws, we are not required to grant such requests, which are not considered reasonable.

If you have a need for reasonable accommodations, please contact us any time with a request.

Sincerely, Property Manager

Appendix G – Fact Sheet for Applicants and Residents with Disabilities

REASONABLE ACCOMMODATION AND MODIFICATION POLICY **GUIDELINES FOR APPLICANTS AND RESIDENTS** **WHO HAVE DISABILITIES**

MAKING A REQUEST

If you or a member of your household needs a reasonable accommodation or modification, please submit a request to the housing manager. If you are unable to make a request for yourself, another person (an advocacy organization or representative) can make the request on your behalf. The request does not need to disclose the nature of your disability.

You can make verbal requests for accommodations; however, we recommend that you make requests in writing, because this will help us to assess your request and to avoid misunderstandings about what you need.

In order for management to approve your request for reasonable accommodation, please make a reasonable accommodation request to management.

1. The requested accommodation must be for someone with a disability.
2. The requested accommodation must be directly related to the disability.
3. The requested accommodation or modification must be reasonable.

In your request, please give us a full description of the required accommodation. If you know of resources that will make it easier or quicker for management to grant your request, include this information along with your request.

If you request permission to make a modification to the premises at your expense, please:

- Give a full description of the intended modification(s).
- Provide assurance that you will obtain building permits, if necessary.
- Provide assurance that the modifications will be done in a professional manner.

Please be aware that residents are responsible for the costs of their own modifications (except in housing that receives federal funding). If the modification you plan to make will not interfere with the next resident's use and enjoyment of the premises, it can remain there when you move out. In some cases, we will ask you to:

- Agree to return the premises to their original state.
- Agree to pay into an interest-bearing escrow account, over a reasonable period, an amount of money not to exceed the cost of the restorations (the interest on the account accrues to you).

[Example: If you install grab bars in the bathtub with reinforcement in the wall, we may ask you to remove the grab bars when you move out, but the in-wall reinforcement can stay.]

VERIFICATION

Management may ask you to provide written verification that the request is for someone who has a disability. We may also ask you for verification that the accommodation or modification is necessary to give that person an equal opportunity to use and enjoy the housing community. If asked for verification, you can get it from your healthcare provider or any other qualified third party.

PROVISION OF ACCOMMODATIONS

We will work with you to process your request promptly. We may need to discuss your request with you. We generally grant requests for reasonable accommodations without cost to you. However, in most cases, you must pay for reasonable modifications.

Management will give you the following:

- A letter confirming that we received your request.
- If needed, a letter requesting additional information (such as verification that the person has a disability, that the accommodation is disability-related, or both), with a suggested timeline for providing the information.
- A letter notifying you that your request has been approved, is under consideration, or has been denied.

Sometimes the specific accommodation you request may be difficult, time-consuming or expensive to provide, and we may suggest alternate accommodations that might work just as well. If you believe the accommodation you have requested is the only one that will work, be prepared to explain why. Have a back-up plan in mind and be willing to discuss alternatives.

If we decide that we cannot fulfill your request because it poses an undue financial and administrative burden, fundamental alteration, or direct threat in our housing program, we will advise you in writing, and offer an opportunity for you to make a modified request.

RESOURCES/QUESTIONS

If you have any questions regarding your rights and responsibilities under the fair housing laws, contact a fair housing agency in your area listed in Appendix A. These agencies are able to provide technical assistance – they are a good information source for accommodation ideas, funding resources, access codes, etc.

For more information about your rights under fair housing laws, see www.hud.gov/offices/fheo/FHLaws/yourrights.cfm